

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

AZAYVIAN RUSSELL

PLAINTIFF

V.

CIVIL ACTION NO. 3:24-cv-47-HTW-LGI

NEWTON COUNTY, ET AL.

DEFENDANTS

ORDER DIRECTING PLAINTIFF TO RESPOND

Pro se inmate Azayvian Russell (“Plaintiff”) is detained at the Scott County Jail in Forest, Mississippi, and he brings this Complaint under 42 U.S.C. § 1983. Plaintiff is proceeding *in forma pauperis*. See Order [15].

After liberal review of Plaintiff’s filings, the Court entered an Order [23] issuing a *Notice of Lawsuit and Request to Waive Service of a Summons* for Defendants. Defendants Newton County, Jody Pennington, and Scott County waived service. See Waivers [29],[31].

On March 28, 2025, the Court entered an Order [33] directing summons issue for the Defendants that failed to waive service and directed the U.S. Marshal to serve the summons. The Marshal served Defendant Emmusdon and filed the executed return [42] on April 9, 2025. However, the Marshal was unable to serve Defendant Patrick at the Newton Police Department because he no longer works there. See *Summons Return Unexecuted* [43]. Without a correct address, the Court is unable to have process served on Defendant Patrick.

It is the Plaintiff’s responsibility to prosecute this case, including identifying and locating Defendants for service of process. Accordingly, Plaintiff shall either (1) provide a current address, including the street address, for Defendant Patrick, or (2) if unsuccessful in obtaining this information, explain why, or (3) voluntarily dismiss Defendant Patrick. Plaintiff’s response

shall be filed with the Court no later than May 2, 2025.

IT IS THEREFORE ORDERED that Plaintiff shall file a response consistent with this Order **no later than May 2, 2025**. Failure to timely comply may result in the dismissal this case.

IT IS FURTHER ORDERED that the Court warns Plaintiff that his failure to advise the Court of a change to his address or a failure to timely comply with any Order of this Court will result in the dismissal of this case.

SO ORDERED, this the 11th day of April, 2025.

s/ LaKeysha Greer Isaac  
UNITED STATES MAGISTRATE JUDGE